



TOWN OF WEBSTER

Special Town Meeting Guide

January 13, 2020

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SPECIAL TOWN MEETING ARTICLES

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Please note that many of the articles of this Special Town Meeting are to ratify the votes taken at the December 10, 2018 Special Town Meeting that was not posted timely. The votes for that meeting are below. A motion will be made to pass all or the majority of these articles in one vote as they have already previously been discussed on Town Meeting floor.

	Yes	No
Article 2: Sewer Enterprise Fund Prior Year Bills	77	2
Article 3: Town Hall Improvements Fund	83	3
Article 4: Funding of Debt Paydowns	78	4
Article 5: Marijuana Tax	83	1
Article 6: Rezone 30 Worcester Road to Industrial	84	1
Article 7: Marijuana Establishments – Zoning By-Law	82	3
Article 8: District Uses Updated – Zoning By-Law	62	22
Article 9: Retail Marijuana – Zoning By-Law	77	14
Article 10: Marijuana Establishments – Zoning By-Law	72	22
Article 11: Marijuana Retailers Licensed – General By-Law	84	1
Article 12: Temporary Repairs of Private Ways	78	43

Town Meeting Procedure Information

Thank you for taking an interest in Webster's Town Meeting. Town Meeting is part of a great tradition of democracy which has been happening in Webster ever since its townspeople came together to decide to found the town in 1832. Town Meeting is the legislative body of the town, acting much like our legislative counterparts at the state and federal level to fund a budget and establish bylaws. One important difference from those legislatures is that in Webster's Open Town Meeting form of government, every registered voter of the town is a legislator and has the opportunity to participate in and vote on every issue.

Procedures

Webster's Town Meeting is governed by state law, the town's bylaws, tradition, and the book *Town Meeting Time: A Handbook of Parliamentary Law*. But voters don't need to read those documents or be parliamentarians in order to participate in the meeting, as the moderator will handle the details. But if you're not clear on what is being voted on or what is being discussed, please feel free to ask.

At the podium:

- Town Administrator: chief administrative and financial officer

Boards/committees (from left to right):

- Board of Selectmen: the main executive body of the Town
- School Committee: recommends the school budget
- Finance Committee: makes spending recommendations

People on stage (from left to right):

- Town Counsel: the Town's attorney
- Moderator: presides over Town Meeting
- Town Clerk: records the official proceedings

Warrant

The Selectmen post the warrant before Town Meeting. The warrant lists the agenda for what topics will be discussed and voted upon at the meeting. Each item on the agenda is called an article. An article may be specific or broad, and its purpose is to inform the voters of what topics may come up at the meeting. The booklet distributed at the meeting includes both the text of the warrant that was posted as well as the specific motions expected to be presented.

Motions

While a warrant article describes generally what subjects will come up, a motion is a statement of a specific action that is proposed to be taken. For example, a motion to appropriate money would specify the dollar amount, source of funds, and for what purpose. The motions that are expected to be presented are printed in this booklet, but the actual motion presented may differ. It's important to realize the difference between the warrant article and the motion: The warrant article is the agenda item

describing what subject matter may come up, and the motion describes the specific proposed action which will be voted upon.

Amendments

A motion may also be made to amend the main motion, in which case that amendment will be discussed and voted on first. If the amendment passes, then discussion will return to the main motion as amended. If the amendment is defeated, then discussion will return to the original main motion.

Motions to pass over

A particular motion that may come up is the motion to pass over, which is often referred to as "postponing indefinitely". This motion simply is a proposal to take no action on the warrant article at this meeting. The town's practice has been to utilize a "motion to pass over" or a "motion to pass over for more information". Webster by-law 253-14 prohibits an article from being taken back-up prior to the next annual town meeting, unless it is passed over for more information. If the motion is approved, then no action will be taken on the article and the meeting will move on to the next article. If the motion is defeated, then the meeting would entertain a "positive" motion to take a specific action as it relates to the article.

Discussion

After a motion is presented, the floor is open for discussion, questions, and debate. In order to participate, speakers line up behind the microphones. When recognized by the moderator, they clearly state their names and addresses, so that others know who is speaking. Comments should be specifically about the issue before the voters, and not addressed to any particular person or group other than the moderator. Pursuant to rules accepted by Town Meeting (October 2015 ATM), the speakers are limited to 7 individuals for and 7 against the article. Each speaker is limited to 2 minutes. The sponsor or mover of the article shall have 5 minutes and shall not be counted in the 7 speaker limit. Town meeting can extend a speakers time for an additional 2 minutes by a 2/3 majority vote.

Ending discussion

If a voter has heard a sufficient amount of discussion and wants to close off and stop further debate, they can make a motion to end debate, which is often referred to as "moving the question". A voter cannot both make a comment and move to end debate during the same turn at the microphone; he or she can only do one or the other. A motion to end debate is not itself debatable, and requires a 2/3 majority vote in order to pass. If the motion to end debate passes, then discussion is over and the meeting will move to a vote on the main motion. If the motion to end debate is defeated, then the discussion of the main motion continues.

Reconsideration

If substantive new information is available such that the meeting could change its mind about a vote it has already taken, a voter can move to reconsider that vote.

The moderator will not entertain a motion to reconsider simply because there are now a different group of voters in the hall or because some people wish that the vote had gone the other way. If the motion to reconsider is accepted by the moderator, then it will be discussed, and if the majority votes in favor, then the original motion that was previously voted upon will again be before the voters. Reconsideration can only be raised by an individual who voted on the prevailing side. Webster by-law 253-13 requires a 2/3 vote in order to reconsider.

Voting

Voting will be done through an electronic voting system. Rather than a voice vote or the raising of hands, each resident will be assigned an electronic voting remote when they register at the door. Voters simply need to press the appropriate button for their vote to be recorded. Not only will this system be more accurate, but it also allows each vote to remain confidential. Additionally, the use of the electronic voting system will eliminate the need for any ballot votes, and thus potentially greatly reduce the length of the meeting. The voting system will be tested and calibrated prior to the meeting to ensure that the vote will be accurate.

ARTICLE 1. APPROPRIATION OF FUNDS FOR HIGH SCHOOL FEASIBILITY STUDY

To see if the Town will vote to appropriate the amount of One Million (\$1,000,000.00) Dollars for the purpose of paying costs of the Bartlett High School Feasibility Study, located at 52 Lake Parkway, Webster, Massachusetts, including the payment of all costs incidental or related thereto, and for which the Town of Webster may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Bartlett School Building Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Webster acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Town of Webster incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Webster; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Webster and the MSBA; or take any action thereon.

Recommended Motion: I move that the Town vote to appropriate the amount of One Million (\$1,000,000.00) Dollars for the purpose of paying costs of the Bartlett High School Feasibility Study, located at 52 Lake Parkway, Webster, Massachusetts, including the payment of all costs incidental or related thereto, and for which the Town of Webster may be eligible for a grant from the Massachusetts School Building Authority ("MSBA"), said amount to be expended under the direction of the Bartlett School Building Committee. To meet this appropriation the Treasurer, with the approval of the Board of Selectmen, is authorized to borrow said amount under M.G.L. Chapter 44, or pursuant to any other enabling authority. The Town of Webster acknowledges that the MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any Project costs the Town of Webster incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town of Webster; and that the amount of borrowing authorized pursuant to this vote shall be reduced by any grant amount set forth in the Feasibility Study Agreement that may be executed between the Town of Webster and the MSBA; and further, that any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44 Sec 20, thereby reducing by a like amount the amount authorized to be borrowed to pay such costs.

Background: Please see the School Department Handout attached.

Finance Committee recommends approving this article.

ARTICLE 2. SEWER ENTERPRISE FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from Sewer Other Charges (6046052-570000) \$48.15 to the Sewer Unpaid Bills (6046052-579000) account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: A prior year bill was accidentally misread from our October 2018 Town Meeting. It should have been approved for an additional \$48.15. The original vote was approved 77 yeas to 2 nays. This requires a 9/10ths majority vote.

Finance Committee recommends approving this article.

MOTION TO APPROVE ARTICLES THREE THROUGH ELEVEN

Recommended Motion: I move that the Town vote to ratify the votes of December 12, 2018 by approving articles three through eleven as printed in the Town Meeting Guide.

Finance Committee recommends approving these articles.

Background: Articles three through eleven were previously voted on in our December 10, 2018 Special Town Meeting that was not posted timely. As these articles have already previously been discussed on Town Meeting floor, this motion will approve all of the articles in a single vote. The vote totals from the previous Town Meeting are listed below. Some of the articles require a 2/3rds majority vote, so this motion will need to be passed by a 2/3rds majority or each article will have to be voted on individually.

	Yes	No
Article 3: Town Hall Improvements Fund	83	3
Article 4: Funding of Debt Paydowns	78	4
Article 5: Marijuana Tax	83	1
Article 6: Rezone 30 Worcester Road to Industrial	84	1
Article 7: Marijuana Establishments – Zoning By-Law	82	3
Article 8: District Uses Updated – Zoning By-Law	62	22
Article 9: Retail Marijuana – Zoning By-Law	77	14
Article 10: Marijuana Establishments – Zoning By-Law	72	22
Article 11: Marijuana Retailers Licensed – General By-Law	84	1

ARTICLE 3. TOWN HALL IMPROVEMENTS FUND

To see if the Town will vote to transfer \$55,259.02 from the Town Hall Stabilization Fund (Fund 8002) to the Town Hall Improvements account (5050-582500) for the purpose of funding improvements to Town Hall, including all costs incidental and related thereto; or take any action thereon.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: The Town receives approximately \$55,000 each year for lease payments from the solar field on the old landfill on Cudworth Road. These are dedicated for use on Town Hall. This year's amount will be used to continue the basement remodel.

Finance Committee recommends approving this article.

ARTICLE 4. FUNDING OF DEBT PAYDOWNS

To see if the Town will vote to transfer the balance of \$133,045.58 from the Landfill/Compost Maintenance and Cleanup Fund (0242018-580000-10017) to the General Fund Principal account (0171052) for the purpose of funding FY2019 debt pay downs; or take any action thereon.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: There is a \$133,045.58 balance in Landfill Cleanup Fund from the \$200,000 approved at May 2018 Town Meeting. This will be used to cover debt pay downs in the FY19 budget. We adjusted the FY19 debt payments to pay more principal upfront. This will save approximately \$85,000 in interest over the next few years and allowed us to go long-term with all of our debt in April 2019.

Finance Committee recommends approving this article.

ARTICLE 5. MARIJUANA TAX

To see if the Town will vote to accept the provisions of Massachusetts General Laws Chapter 64N, Section 3 to impose an excise on the retail sales of marijuana for adult use at the rate of 3%; or take any action thereon.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: Will create a 3% local option sales tax on marijuana sales.

ARTICLE 6. REZONE 30 WORCESTER ROAD TO INDUSTRIAL

To see if the Town will vote to amend the Town of Webster Zoning Map referenced in Section 650-13 of the code of the Town of Webster to re-zone one parcel of land totaling 1,350,404 square feet (31 acres) from the current zoning of Business with Sewer (B-4) to Industrial (I) as said Real Estate in the Town of Webster located on Worcester Road in the County of Worcester Massachusetts as shown on the map entitled "Proposed Change in Zoning District from Business with Sewer (B4) to Industrial (I), 30 Worcester Road – 1 Parcel" and on file with the Board of Selectmen and Town Clerk; or take any action thereon.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: To rezone 30 Worcester Road to Industrial. Would allow the existing grow facility to become a research facility if article 8 passes.

Finance Committee recommends approving this article.

ARTICLE 7. MARIJUANA ESTABLISHMENTS ZONING BYLAW

To see if the Town will vote to amend the Town of Webster Zoning Bylaws by amending Chapter 650, Attachment 1, Table of Use Regulations, which would allow Marijuana Research Facilities, as defined in G.L. c. 94G § 1 in the Town of Webster by special permit or take any other action relative thereto, as follows:

Principal Use	District											
	1	2	3	4	5	5A	6	7	8	9	10	11
	SFR	ASFR	MFR	B-4	B-5	B-SA	IND	LR	FP	CD	WP	ROD
Marijuana Research Facilities***	N	N	N	N	N	N	SP	N	*	N	*	*

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: This article will allow marijuana research facilities in Industrial districts via a special permit. If this article does not pass research facilities will not be allowed in town.

Finance Committee recommends approving this article.

ARTICLE 8. DISTRICT USES UPDATED ~ ZONING BYLAW

To see if the Town will vote to amend the Town of Webster Zoning Bylaws by amending Chapter §650-20B., by adding new subsections to permit Marijuana Research Facility, by special permit in the industrial zone, and to impose additional special conditions to said Marijuana Establishments in Sections E. and F. or take any other action relative thereto, as follows:

(7) Marijuana Research Facility

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: Adjust the special permit section of the bylaw to list marijuana research facilities.

Finance Committee recommends approving this article.

ARTICLE 9. RETAIL MARIJUANA ~ ZONING BYLAW

To see if the Town will vote to amend the Town of Webster Zoning Bylaws to add the following new Article XIII, § 650-93, Recreational Marijuana Retail Sales Overlay District and to establish the same overlay as shown on the map entitled "Recreational Marijuana Retail Sales Overlay District, Goya Drive and Town Forest Road – 8 Parcels" and on file with the Board of Selectmen and Town Clerk; or take any action thereon.

Article XIII — Recreational Marijuana Retail Sales

§ 650-93 Purpose; definitions; special requirements for retail sales of adult use marijuana

A. Purpose.

1. To preserve the character of the community and create a place for adults to have access to legal marijuana in the Town while mitigating community impact.
2. To provide regulations and criteria that will support adult access to legal marijuana in the Town while protecting the public health, safety, and well-being.
3. To provide for Marijuana Retailers in suitable locations and under strict conditions.
4. To regulate the siting, design, placement, operation, safety, monitoring, modification and removal of any Marijuana Retailer that may be located in the Town.

5. To minimize adverse impact to nearby properties, residential neighborhoods, schools and other places where minors congregate.
6. To prohibit on-premises consumption in Marijuana Retailers unless the Town votes to authorize on-premises consumption through protocols established pursuant to M.G.L c.94G, Section 3.

B. Applicability

1. This Article applies to Marijuana Retailers, as defined pursuant to G.L. c. 94G, § 1 only. This Article shall not apply to other Marijuana Establishments defined pursuant to G.L. c. 94G, § 1, including Marijuana Cultivators, Marijuana Product Manufacturers, Marijuana Research Facilities or Marijuana Testing Facilities. This Article also shall not apply to Registered Medical Marijuana Dispensaries.
2. No Marijuana Retailer shall be established except in compliance with the provisions of this Article.
3. Nothing in this Article shall be constructed to supersede federal or state laws.

C. Administration & Procedure

1. The Planning Board shall be the Special Permit Granting Authority (SPGA).
2. Site Plan: In addition to this section, the granting of a special permit will further require the submission and approval of a Site Plan based on the requirements set forth in this Article and with the requirements set forth Article VII Site Plan Review of the Zoning Bylaw. This Article shall supersede in the event of a conflict with Article VII, Site Plan Review.
3. Applicants for a Special Permit pursuant to this Article are strongly encouraged to meet with the SPGA at a public meeting to discuss the proposed application for a new Marijuana Retailer to discuss the proposal in general terms prior to the formal submission of an application.
4. A Marijuana Retailer that seeks to expand or alter its operations so as to come within a new class or sub-class of establishments as defined pursuant to 935 CMR 500.050(d), shall obtain a new special permit prior to undertaking such expansion or alteration.
5. The SPGA shall not issue any special permit that would cause the Town to exceed the limits on Marijuana Retailers set forth in Part II, Chapter 445 of the Town's General By-Laws.

D. Definitions

Where not expressly defined in this Article, terms used in this Article shall be interpreted as defined in The Regulation and Taxation of Marijuana Act, as amended, and as codified in G.L. c.94G, and the CCC Regulations promulgated thereunder, 935 CMR 500.000, et seq., as the same may be amended from time-to-time, and otherwise by their plain language. As used in this Article, the following words shall, unless the context clearly requires otherwise, have the following meanings:

1. Marijuana: The same substance defined as "marihuana" under Chapter 94C of the Massachusetts General Laws.
2. Marijuana Retailer: An entity licensed to purchase and deliver adult-use, aka recreational, marijuana or marijuana products from Marijuana Establishments and to deliver, sell or otherwise transfer marijuana and marijuana product other Marijuana Establishments and to consumers.
3. Retail Premises: The entire parcel on which the Marijuana Retailer is located including the building and appurtenant facilities, such as a parking lot, walkway.
4. Agent: A board member, director, employee, executive, manager, or volunteer of a Marijuana Retailer. Employee includes a consultant or contractor who provides on-site services to a Marijuana Establishment related to the cultivation, harvesting, preparation, packaging, storage, testing, or dispensing of marijuana.

E. Eligible Locations for Marijuana Retailers - Recreational Marijuana Retail Sales Overlay District

1. The Recreational Marijuana Retail Sales Overlay District is herein established as an Overlay District as shown on the following plans: Recreational Marijuana Retail Sales Overlay District Zone 70 Worcester Road — 2 Parcels and Recreational Marijuana Retail Sales Overlay District Zone Goya Drive and Town Forest Road — 8 Parcels. Included in said overlay district are those parcels identified as Assessors Map 88, Lots B_40_0, B_41-42_0; on Assessors Map 96, Lots A_2_1, A_2_2; Assessors Map 97, Lots C_1_0; Assessors Map 98, Lots D_1_0, D_2_0, D_3_0, D_4_0, Assessors Map, Lot 99_A_1_0.
2. A Marijuana Retailer shall be permitted only in the Recreational Marijuana Retail Sales Overlay District by Special Permit by the Planning Board in accordance with the provisions noted below and in accordance with the general Special Permit and Site Plan requirements as set forth in Articles III and VII of these bylaws.
3. The Marijuana Retailer shall not be located within 500 feet of any lot containing a school, licensed child care facility, public park, playground, athletic field or other recreational land or facility; drug or alcohol rehabilitation facility; correctional facility, halfway house or similar facility; or any other non-located Medical Marijuana cultivation facility or dispensary. For the purposes of this section, distances shall be measured in a straight line from the nearest point of the property line in question to the nearest point of the property line where the Establishment is or will be located. The SPGA may reduce the minimum distance requirement set forth in this subsection (3) as part of the issuance of a special permit where the SPGA determines that the reduction in the minimum distance is necessary for purposed of maintaining consistency with M.G.L c.94G, 935 CMR 500 and/or state guidance relative to local regulation and siting of a Marijuana Retailer.

4. All rules of the underlying district(s) shall remain in full force and effect, except where the requirements of the Recreational Marijuana Retail Sales Overlay District are more stringent in which case, the requirements of this overlay district shall supersede those of the underlying district.
5. All other uses not specifically defined are prohibited under this Article — cultivation, manufacture, research, testing, third party transporter, mixed use, café, etc.

F. Use Regulations

1. Marijuana Retailers are prohibited from making off-site or home deliveries of marijuana or marijuana products to consumers.
2. Marijuana Retailers are prohibited from offering marijuana or marijuana products for the purposes of on-site social consumption.
3. Marijuana Retailers shall be prohibited from locating within a building containing residential units, including but not limited to transient housing and group housing.
4. Marijuana Retailers shall be prohibited from having locations which are moveable, mobile or transitory.
5. Use variances under this section are prohibited.
6. Marijuana Retailers are prohibited as an accessory use and prohibited as a home occupation.

G. Special Permit Criteria

1. Marijuana Retailer operations shall conform at all times to M.G.L., c.94G, and regulations issued thereunder; failure to comply therewith shall result in immediate revocation of a special permit issued hereunder.
2. The proposed use shall be designed to minimize any adverse impacts on the on the residents of the Town and the surrounding neighborhood.
3. Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the Marijuana Retailer is located and Marijuana Retailer shall comply with the requirements of 935 CMR 500 with respect to visibility of marijuana and marijuana products. Any artificial screening device erected to eliminate products from public view shall be subject to a vegetative screen and the SPGA shall consider the surrounding landscape and view shed to determine if an artificial screen would be out of character with the neighborhood.
4. Marijuana Retailer operations shall not create nuisance conditions in parking areas, sidewalks, streets and areas surrounding the Retail Premises and adjacent properties. "Nuisance" includes, but is not limited to, consumption of Marijuana on the Retail Premises, disturbances of the peace, excessive pedestrian or vehicular traffic, littering, loitering, illegal parking, loud noises, odor excessive citation for violations of State or local traffic laws and regulations, queuing of patrons (vehicular or pedestrian) in or other obstructions of the public or private way (sidewalks and streets).

5. The Marijuana Retailer shall adhere to a security plan, approved by the Webster Police Department for the site and transportation of marijuana and marijuana products to and from off-site locations to ensure the safety of employees and the public and to protect the Retail Premises from theft or other criminal activity.
6. The Marijuana Retailer shall adhere to an approved traffic plan as detailed in its Traffic Impact Statement which mitigates the impact of vehicular and pedestrian traffic, circulation and parking.
7. The Marijuana Retailer shall provide and keep current contact information as required by the Chief of Police, Fire Chief, Health Director and the Building Commissioner such as name, telephone number and electronic mail address of a contact person who must be available 24 hours a day, seven days a week.
8. Signage shall be limited to that which is permitted under of 935 CMR 500 and Section 650-38 of this By-law.
9. All shipping and receiving areas shall serve the Marijuana Retailer exclusively. In the case of multi-use or multi-tenant site, the Marijuana Retailer shall be laid out and designed to ensure separation from other uses or tenants at the site.
10. No Special Permit shall be granted without first having an executed Host Community Agreement with the Town of Webster.
11. No Special Permit shall be granted until a Community Outreach Meeting in accordance with said the CCC regulations has occurred.
12. No Special Permit shall be granted without first having been issued a Provisional License from the Commission pursuant to 935 CMR 500.
13. No person shall operate a Marijuana Retailer without having a license in good standing from the Cannabis Control Commission.

H. Special Permit Submission Requirements

In addition to the standard Special Permit Application form, an application for a Special Permit under this article shall also submit the following:

1. A letter from the Webster Police Department to the Planning Board acknowledging receipt and approval of a security plan shall be submitted as part of the special permit application, indicating that the Department is satisfied that (1) there is limited undue burden on the Town public safety officials as a result of the proposed Marijuana Retailer; (2) security measures for the site and transportation of marijuana and marijuana products to and from off-site locations is sufficient to ensure the safety of employees and the public and to protect the Retail Premises from theft or other criminal activity; (3) the security measures are sufficient to mitigate any potential harm to the employees and the public including ensuring all persons entering the Retail Premises are at least 21 years of age; and (4) that the Marijuana Retailer agrees to post at a conspicuous location at the public entrance a sign that

states "Only individuals 21 years of age or older", the text of which shall be a minimum of two inches in height.

2. A Traffic Impact Statement which adequately addresses issues of vehicular and pedestrian traffic, circulation and parking, especially during peak periods at the facility, and adequately mitigates the impacts of vehicular and pedestrian traffic on neighboring uses.
3. A copy of the final, executed Host Community Agreement between the Applicant and the Town of Webster.
4. Documentation demonstrating that a duly advertised Community Outreach Meeting was conducted in accordance with 935 CMR 500.100 including date, time, location and a copy of the public meeting notice.
5. The applicant shall submit proof that the application to the Commission has been deemed complete pursuant to 935 CMR 500.102. Copies of the complete application, to the extent legally allowed, shall be provided as part of the application to the SPGA, and no Special Permit application shall be deemed complete until this information is provided.
6. A Site Plan in compliance with Section 650-39 Motor Vehicle Parking and Loading.
7. Waivers: a list of any waivers of regulations that the Applicant seeks to obtain.
8. Written statement confirming that no marijuana or marijuana products will be smoked, burned, or consumed on the Retail Premises.
9. Evidence that the applicant has site control and the right to use the proposed site as a Marijuana Retailer. Such evidence shall be in the form of a deed, purchase and sale agreement, lease, or other legally binding document.

I. Special Permit Approval Conditions.

1. In addition to compliance with M.G.L. c.94G, and 935 CMR 500 et seq., the SPGA may impose reasonable conditions to improve site design, traffic flow, public safety, water quality, air quality, protection of significant environmental resources; and the preservation of community character of the surrounding area including, without limitation, the following:
 - a. Minimization of the impacts of increased noise and traffic.
 - b. Imposition of security precautions related to the high value of products.
 - c. Deterring the presence of unauthorized or ineligible persons at, or near, the Marijuana Retailer.
 - d. Imposition of measures to prevent diversion of marijuana and marijuana products.
 - e. Conditions related to the design and construction of the facility to improve safety, security and conformance with community character.

2. The SPGA shall include conditions concerning the following in any special permit granted pursuant to this Article:
- a. The Marijuana Retailer is, or will become, fully permitted by all applicable agencies within the Commonwealth of Massachusetts and is in compliance with all State laws and regulations; that issuance of a valid license pursuant to M.G.L. c.94G may be a condition subsequent of the special permit.
 - b. Compliance with the Host Community Agreement.
 - c. The submission of a copy of the license from the Cannabis Control Commission with the SPGA and the Building Commissioner prior to the issuance of a building permit, certificate of occupancy, or commencement of use, whichever occurs first.
 - d. The reporting of any cease and desist order, quarantine order, suspension order, limiting sales order, notice of hearing or final action by the Cannabis Control Commission or the Division of Administrative Law Appeals, as applicable, regarding the Marijuana Establishment to the Building Commissioner within 48 hours of the applicant's receipt.
 - e. Copies of all reports submitted to any state agency, including, but not limited to, the reports required by 935 CMR 500.105(10)(d) describing the establishment's liability insurance coverage and the annual security system audits required by 935 CMR 500.110(8) shall be submitted to the SPGA within 5 business days of submission to the State. Such reports may be redacted as necessary to comply with any applicable state or federal laws or regulations.
 - f. Documentation to the SPGA and the Police Chief that each Agent has completed training regarding the proper handling of marijuana prior to performing job functions including, but not limited to the Responsible Vendor Program under 935 CMR 500.105(2)(b). Such documentation must be provided to the Board within 5 business days of the completion of such training. Annually, the establishment shall provide documentation to the SPGA and the Board of Selectmen that all Agents have received at least eight hours of on-going training.
 - g. Annual Inspection: Any operating Marijuana Retailer within the Town shall be inspected annually by the Building Inspector, Health Director, the Fire Chief, the Police Department, or their designee(s), to ensure compliance with this Section and with any conditions imposed by the SPGA as a condition of the special permit approval.
 - h. A Marijuana Retailer shall file notice with the Town Administrator, Director of the Health Department, Police Chief, and the Building Commissioner within 24 hours of receipt of any summary cease and desist order, cease and desist order, quarantine order, suspension order, revocation order, order limiting sales, deficiency statement, plan of correction, notice of a hearing, notice of any other administrative

process or legal action, denial of a license, denial of a renewal of a license, or final action issued by a state agency (including, but not limited to, the Commission and Massachusetts Department of Public Health) regarding the Marijuana Establishment or the Marijuana Establishment's Cannabis Control Commission license.

3. The issuance of a special permit pursuant to this Article shall also be subject to the following:

- a. The special permit shall expire within three (3) years of the date of issue. If the applicant wishes to renew the special permit, an application to renew must be submitted at least 120 days prior to the expiration of the special permit.
- b. Special permits shall be limited to the original applicant(s) and shall expire on the date the special permit holder ceases operation of the Marijuana Establishment.
- c. The holder of a special permit shall annually file an affidavit with the Building Commissioner and the SPGA demonstrating that it is in good standing with respect to its license from the Cannabis Control Commission and any other applicable State licenses.
- d. The holder of a special permit shall notify the Building Commissioner and the SPGA in writing within 48 hours of the cessation of operation of the Marijuana Establishment or the expiration or revocation of the permit holder's license from Cannabis Control Commission.
- e. Special permits for Marijuana Retailers shall lapse upon the expiration or revocation of an applicant's license from the Cannabis Control Commission.
- f. A Special Permit shall be issued to the owner of the Marijuana Retailer and shall not transfer with a change in ownership of the business and/or property and shall lapse upon a change of use of the Premises.
- g. A Special Permit shall lapse if not exercised within one year of issuance.

J. Adult On-Site Social Consumption

On-site consumption of marijuana and marijuana products, as either a primary or accessory use, shall be prohibited unless permitted by a local ballot initiative process, as allowed by M.G.L. c.94G s.3(b). The prohibition of on-site social consumption shall include private social clubs or any other establishment which allows for social consumption of marijuana or marijuana products on the Premises, regardless of whether the product is sold to consumers on site.

K. No Accessory Use Marijuana Establishments

Use of property as Marijuana Retailer shall be deemed a principal use for purposes of the Zoning Bylaw, and shall be permitted exclusively in

accordance with this Article. No Marijuana Retailer may be allowed within Town as an accessory use.

L. Severability

The provisions of this By-Law are severable. If any provision, paragraph, sentence, or clause of this By-Law or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this By-Law.

M. Violations

Any violations of this bylaw shall be grounds for revocation of a special permit issued under this Section.

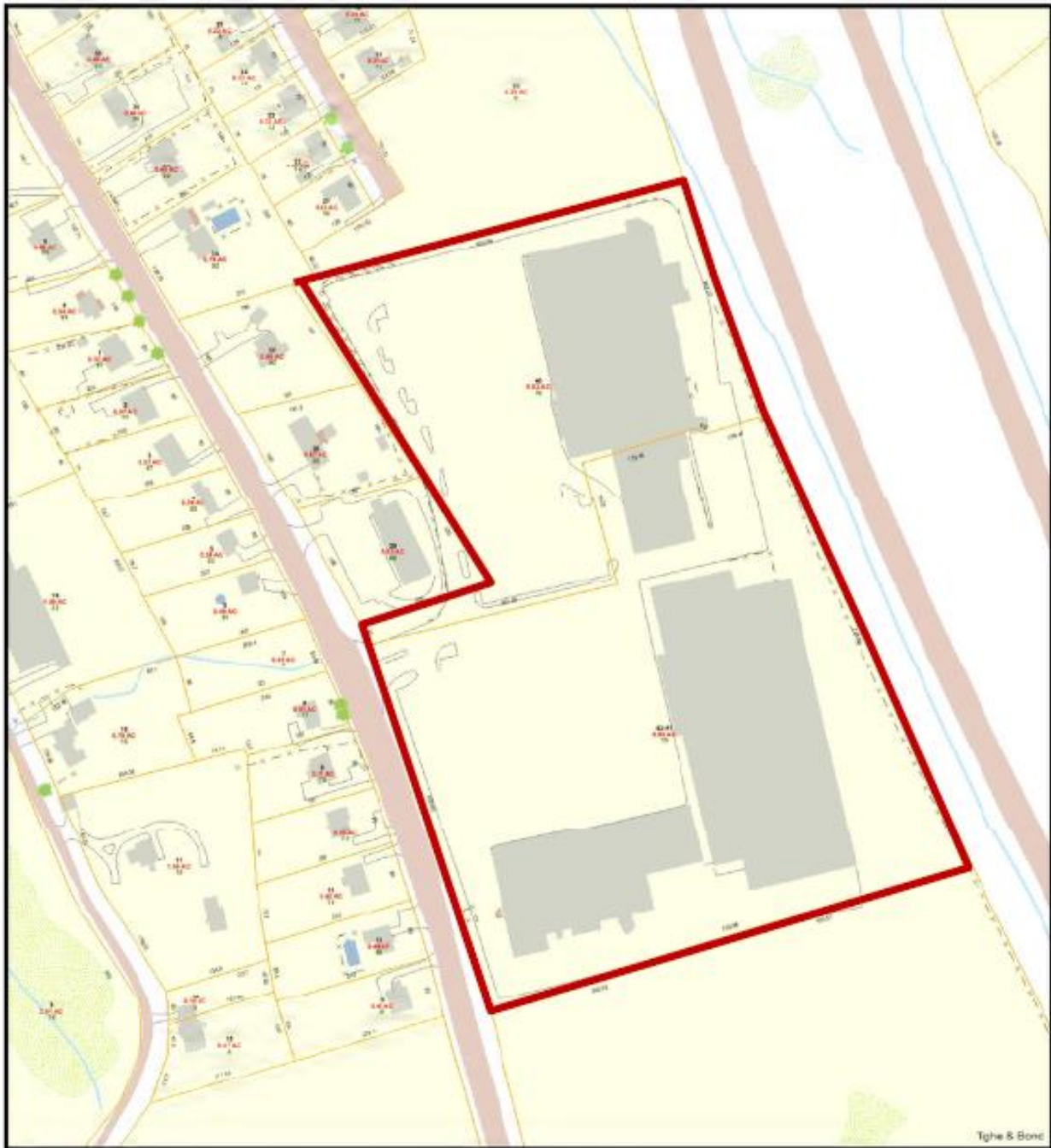
Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: Regulates Marijuana Retail establishments as follows:

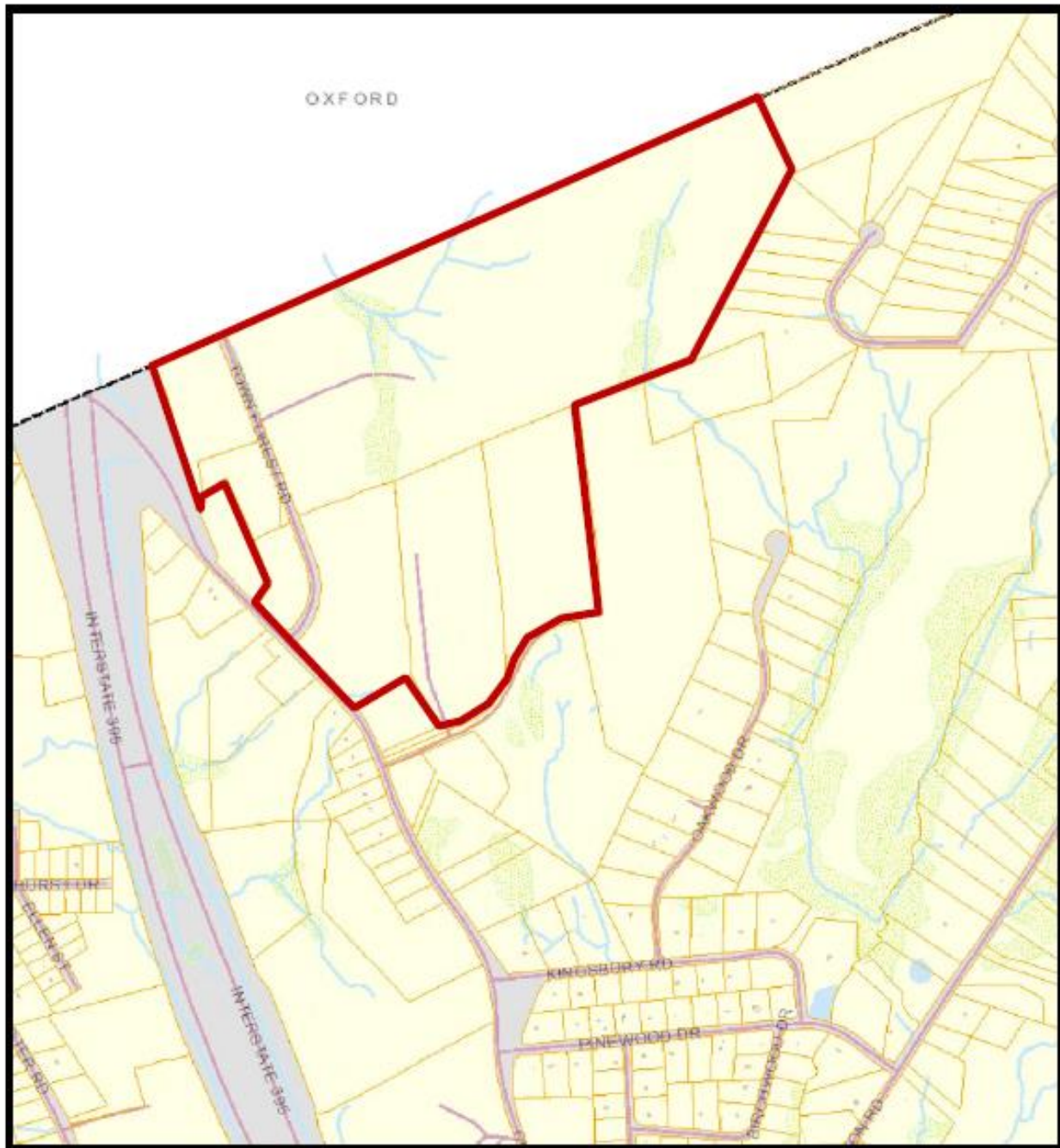
- Limits them to two specified overlay districts (Kmart Plaza & Town Forest Road) See maps on following pages.
- Requires a Special Permit from the Planning Board
- Prohibits on-site consumption
- No off-site deliveries or mobile units
- Can't co-locate in a building with residential units
- Products and paraphernalia can't be visible from the road
- Requires a security and traffic plan
- Requires annual inspection
- Special Permit expires after 3 years

Finance Committee recommends approving this article.

70 Worcester Street



Town Forest Road area



ARTICLE 10. MARIJUANA ESTABLISHMENTS ZONING BYLAW

To see if the Town will vote to amend the Town of Webster Zoning Bylaws by amending Chapter 650, Attachment 1, Table of Use Regulations, which would add a new column 12 RMRSO, for the Recreational Marijuana Retail Sales Overlay District or take any other action relative thereto, as follows:

Principal Use	District												
	1	2	3	4	5	5A	6	7	8	9	10	11	12
	SFR	ASFR	MFR	B-4	B-S	B-SA	IND	LR	FP	CD	WP	ROD	RMRSO
Recreational Marijuana Retail Sales	N	N	N	N	N	N	N	N	*	N	*	*	SP

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: This article will add Recreational Marijuana Retail Sales Overlay District to the use table. Without this article, there would be no local bylaw restrictions on where marijuana retail establishments could be opened.

Finance Committee recommends approving this article.

ARTICLE 11. MARIJUANA RETAILERS LICENSED ~ GENERAL BYLAW

To see if the Town will vote to amend Part II, Regulatory Bylaws, Chapter 445 – Marijuana of the Town of Webster General Bylaws by deleting the text shown with a ~~strikethrough~~, and inserting the text shown in *italics* as follows, or take any action relative thereto:

Chapter 445 – Marijuana

§ 445-1. Marijuana Retailers Limitation.

The number of Marijuana Retail Licenses issued in the Town of Webster shall be limited to twenty (20%) percent of licenses issued in the Town of Webster for retail sale of alcoholic beverages not to be drunk on the premises where sold, which shall be calculated by rounding up to the next whole number.

§ 445-2. Marijuana License Required

A. No person shall operate as a-Craft Marijuana Cultivator Cooperatives, Marijuana Cultivators, Marijuana Product Manufacturers, *Marijuana Research Facilities, Marijuana Retailers*, Marijuana Testing Facilities, or other type of Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen annually.

§ 445-3. Regulations.

A. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

§ 445-4. Applications.

Applicants for a license annually shall file an application on a form by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant annually shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

§ 445-5. Hearing.

A. The Board of Selectmen must act upon the application at one of their next three regularly scheduled meetings with due written notice provided to the applicant of the time, date and location where such appeal will be heard.

§ 445-6. Decision.

A. The Board of Selectmen may deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with the regulations promulgated by such board. *The Board of Selectmen shall determine as part of its decision, the permitted hours of operation.*

§ 445-7. Orders and Fines for Licensed Premises.

The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$100.00. Any failure to comply after the issuance of said initial fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

§ 445 -8. Enforcement.

This By-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to Massachusetts General Laws Chapter 40, section 21, as amended, or by noncriminal disposition pursuant to Massachusetts General Laws Chapter 40, section 21D, as amended, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer.

§ 445-9. Authority.

A. Home Rule Amendment [art. 89 of the Amendments to the Massachusetts Constitution]; Massachusetts General Laws, Chapter 94G, § 3, 935 CMR 500.000.

Recommended Motion: I move that the Town vote to ratify the vote of December 12, 2018 by approving the article as read.

Background: This article will amend the marijuana retailer license bylaw to

1. limit the number of dispensaries to 20% of # of liquor stores (will be 2);
2. require marijuana retailers and research facilities to register with the town;
3. allow the Selectmen to limit hours of marijuana establishments.

If this article fails:

1. No limit on number of dispensaries allowed in town.
2. Less ability for the town to regulate marijuana establishments.

Finance Committee recommends approving this article.

ARTICLE 12. TEMPORARY REPAIRS OF PRIVATE WAYS

To see if the Town will vote to amend the Town's General Bylaws by adding the following new Chapter 573, or take any other action relative thereto:

Chapter 573 Section 1 - Repair of Private Ways

573.1.1 Pursuant to Massachusetts General Laws Chapter 40, Section 6N, the Board of Selectmen is hereby authorized to make temporary repairs on private ways which have been open to public use for a period of six (6) consecutive years or more, provided the repairs are for the protection of the health and safety of the general public using such private ways, subject to the provisions of this Bylaw.

573.1.2 No repairs shall be made on private ways that have not been released from covenant and/or bond.

Section 573.2 - Minor Temporary Repairs

573.2.1 The Town may make minor temporary repairs upon a private way in the Town. Such repairs shall be made only after the board of selectmen determines that, based on recommendation from the highway superintendent, the repairs are required by public necessity. No petition by abutters shall be necessary for the Town to make such minor repairs.

573.2.2 Minor temporary repairs shall include the filling of holes in the subsurface of such ways and repairs to the surface materials thereof. Materials for such repairs, where practical, should be the same as, or similar to, those used for the existing surfaces of such ways, but may include surfacing the ways with, bituminous materials, including but not limited to bituminous concrete.

573.2.3 Minor temporary repairs shall be limited to minor work such as filling, patching and not more than grading or scraping twice per year. Such repairs shall not include surfacing, resurfacing, installation of drainage of any kind or the original

construction of sidewalks, curbing, street construction, or brush cutting and tree removal.

573.2.4 The cost of such minor temporary repairs shall be borne entirely by the Town, subject to funds being available through an appropriation voted by the Town; no betterment charges shall be assessed against the abutters; and, no cash deposit shall be required for minor temporary repairs.

Section 573.3 - Major Temporary Repairs

573.3.1 The Town may make major temporary repairs on a private way in the Town. Such repairs shall be made only after a petition has been filed in the office of the board of selectmen. Such petition shall identify the repairs to be made and shall be signed by the owners of no less than 2/3rds of the primary linear frontage of said way. Primary linear frontage shall be defined as the frontage in which the owner has their primary form of ingress and egress to the property. If the property is undeveloped, then all frontage on the proposed way for improvements will be considered the primary linear frontage. Where a property is owned by more than one person or entity, each such person, and where appropriate, each trustee and/or representative, must sign the petition in order for that property's frontage to count towards the frontage percentage.

Following the submission of said petition, the board of selectmen shall conduct a public hearing, at which hearing interested persons may present evidence relative to the petition.

No repairs shall be made until the board, by a majority vote of its members, and following such hearing, determines that such repairs are required by public necessity, and until the town meeting has appropriated funds for such repairs.

573.3.2 Following such determination by the board that said repairs are a public necessity, the owners of land abutting such public way who derive benefit from said repairs shall be assessed betterment charges by the board. Betterment charges, in an amount of 100% of the aggregate cost to plan, prepare, and repair the private way shall be assessed on the proportion of the lot frontage on the way or portion of the way to be repaired to the frontage of said repaired way or other proportional method as may be required by the Board of Selectmen. A cash deposit in the amount of \$250 shall be required.

573.3.3 Drainage easements, if necessary, shall be the responsibility of the petitioners.

Section 573.4 - Assessments

573.4.1 Except as herein otherwise provided, the provisions of G.L c.80, as it relates to public improvements and assessments therefor, shall apply to major temporary repairs, as defined in this Bylaw, to private ways where such repairs are ordered to be made under authority of this Bylaw.

573.4.2 Any assessment made in accordance with the provisions of this Bylaw upon the owner of an estate shall be paid within six (6) months of the date that such assessment is levied, where the total assessment is less than two hundred dollars (\$200.00).

573.4.3 Where the total assessment amounts to two hundred dollars (\$200.00) or more, the owner of the estate may divide the payment of such assessment into not more than ten (10) equal payments, the final installment payment to be made not later than five (5) years from the date of the levy of the assessment.

573.4.4 Assessments made under this Bylaw shall constitute a lien upon the land assessed in accordance with the provisions of G.L c.80, §12.

Section 573.5 - Liability

573.5.1 The Town, in making repairs under this section shall not be liable for any damages to persons or property caused by negligent repair or maintenance of the private way.

573.5.2 The Town shall not be liable or accountable for any damage caused by repairs made pursuant to this Bylaw. This bylaw does not confer any obligation or duty on the town or its agents to either initially place or thereafter maintain and repair said private ways so that they are reasonably safe and convenient for travel by being free from defects or want of repair. The making of such temporary repairs to private ways, no matter how often or to what extent, does not constitute an acceptance by the town of such private ways as public ways, nor does it constitute a way being "maintained and used as a public way" under the Massachusetts Subdivision Control Law.

Recommended Motion: I move that the Town vote to approve the Article as printed in the Town Meeting Guide.

Background: There are many private (unaccepted) roads in Town. Many unaccepted roads are in disrepair due to age, use and poor construction. The Town does not have the legal ability to repair unaccepted roads. If you are an abutter on a private road and want to have the road surface improved, currently your only option is for you and any neighbors you can convince to chip in to pay for it. The proposed bylaw would allow residents to assess themselves a betterment to pay for the road improvements. The following breakdown is a hypothetical breakdown of the costs associated with road improvements that may be assessed through a betterment:

Options	Resulting Improvement	Cost to Property Owner*	Financing
Improvements on private ways through a betterment	Street is paved, but not to the same standards as public streets. Responsibility of future improvements remains with the private owners.	\$100 to \$130 per linear foot of frontage	2% above the rate charged to the Town for 5 years
Convert private way to an accepted public way	Street made public and paved to Town standards. Town will maintain in perpetuity.	\$140 to \$180 per linear foot of frontage	2% above the rate charged to the Town for 5 years
Pave the street privately	Extent and quality of work determined amongst the abutters	\$100 to \$130 per linear foot of frontage depending on the scope	Property owners pay entire cost. No Town involvement.
*Costs are estimates to give abutters a sense of relative costs			

Below are the steps for initiating and completing a project on an unaccepted way through a betterment. Applications for the Road Betterment process are ongoing and the review process and repairs are at the discretion of the Board of Selectmen, Town Administrator, and Highway Superintendent. The following timeline is to be used as a guide and is subject to change.

Step 1. A meeting amongst abutters should commence to voice concerns and opinions prior to involving the Town. Work that can be done without involving the Town should be discussed and a mutual understanding of the work requested can now be presented to the Town.

Step 2. If a decision is made amongst the abutters to pursue a betterment process, the abutters should appoint a Private Way Liaison to correspond with the Town. The liaison should complete "Form A" (Appendix A) notifying the Town that a betterment is being considered, the length of road, the extent of the proposed improvements, the proposed financing of the improvements, and that he/she certifies that they have been in contact with the other abutters and there is legitimate interest in the proposed improvements and betterment.

Step 3. The Highway Superintendent and Town Engineer will meet the Private Way Liaison on-site to discuss the work being requested and come to an agreement of what work will be performed. The Town Engineer makes his/her assessment of the private way and the construction which will be required as well as provide a per linear foot cost estimate to the Private Way Liaison.

Step 4. Abutters make the decision to petition the Board of Selectmen. Using "Form B" (appendix B), the abutters carry out the process of gathering the required signatures consisting of owners of greater than 2/3rds of the

primary linear footage along the private way. Form B will contain an estimated total and linear foot cost of the project. This estimated cost will include estimates for all engineering, legal, recording, financing or other costs that will likely be associated with the betterment.

Step 5. Submission of the petition to the Board of Selectmen. The Town will verify that greater than 2/3rds of road frontage has been signed for. Prioritization of each petition submitted will be considered on a rolling basis. The Board of Selectmen will set a public hearing date for the proposed project and betterment. The Town Administrator's Office will notify all abutters by certified mail of the public hearing. Estimated costs will be provided again on said notice.

Step 6. A public hearing will be held to determine if the proposed repairs are supported by the abutters and required by public necessity and/or convenience. The Board of Selectmen will vote to either (1) declare that the project is not needed, or (2) approve the project and recommend that the private way betterment and associated borrowing be placed as an Article on the next Town Meeting Warrant.

Step 7. Vote on the Article for the private way betterment and associated borrowing at Town Meeting. This is a legally binding vote upon all abutters.

Step 8. If approved, a timeline of work will be tentatively scheduled by the Highway Superintendent.

Step 9. The Town borrows the approved funds.

Step 10. The Town procures the construction services, or schedules the work internally based on the Highway Department's workload. This will be based upon the recommendation of the Highway Superintendent.

Step 11. The Board of Selectmen hold a public hearing to vote on the Order of Betterments. The recording of the Order and estimates will be filed with the Worcester County Registry of Deeds.

Step 12. A schedule of work is prepared and construction commences.

Step 13. Work is completed. Final betterments are assessed and recorded at the Worcester County Registry of Deeds. Notification is sent to each abutter requesting form of payment as a lump sum or consecutive payments.

Finance Committee recommends approving this article.

**ARTICLE 13. SEEK SPECIAL LEGISLATION FOR IMPROVEMENTS TO PRIVATE
WAYS**

To see if the Town will vote to allow the Board of Selectmen to seek special legislation to allow the Town to undertake major repairs on private ways and assess betterments therefor, as follows:

**AN ACT AUTHORIZING THE TOWN OF WEBSTER TO MAKE PERMANENT
IMPROVEMENTS TO PRIVATE WAYS AND ASSESS BETTERMENTS THEREFOR**

*Be it enacted by the Senate and House of Representatives in General Court assembled, and
by the authority of the same as follows:*

SECTION 1. Notwithstanding section 6N of chapter 40 of the General Laws or any other general or special law to the contrary, the town of Webster may: (1) make permanent repairs and improvements to the private ways within the corporate limits of the Town, including, but not limited to, improvements to grading, drainage, paving and resurfacing; (2) appropriate and expend funds therefor; (3) assess betterments, and (4) adopt bylaws to carry out the provisions hereof.

SECTION 2. Notwithstanding any general or special law to the contrary, the town of Webster may borrow, from time to time, such sums as may be necessary to make repairs and improvements to private ways within the town. Each authorized issue shall be payable within twenty years from its date. Indebtedness incurred under this act shall not be included in determining the limit of indebtedness of the town under section 10 of chapter 44 of the General Laws and, except as provided herein, shall otherwise be subject to said chapter 44.

SECTION 3. The cost of the repairs and improvements and the borrowing authorized by this act shall be apportioned to and among the benefited property owners as a betterment pursuant to chapter 80 of the General Laws. The board of assessors, in consultation with the board of selectmen, may set the number of years for which a betterment may be assessed, which may be for fewer than twenty years for the private way improvements authorized by this act, notwithstanding the request of the owner of the land assessed. Except as otherwise provided herein, chapter 80 of the General Laws shall apply to the assessments authorized in this act with respect to the assessment, appointment, division, interest, abatement and collection of such assessments. The town shall record appropriate orders to secure payment in the same manner as it acquires a lien for a betterment assessment pursuant to said chapter 80.

SECTION 4. This act shall take effect upon its passage.

Recommended Motion: I move that the Town vote to approve the Article as printed in the warrant.

Background: MGL Ch. 40 Section 6N allows towns, by by-law, to make temporary repairs on private ways. However, it may be a stretch to consider paving, etc. a temporary repair under this section of MGL. This article would create special legislation ensuring that the Town of Webster could perform major repairs to private ways.

Finance Committee recommends approving this article.

ARTICLE 14. PAVING OF A PORTION OF LOVELAND ROAD

To see if the Town will vote to allow the residents of Loveland Road to pave from number 23 through number 37. Said improvements would be paid for by the residents of the affected addresses either through a one-time payment or a betterment.

Recommended Motion: I move that the Town vote to approve the Article as read with action not being taken until and unless article 12 is approved by the Attorney General's Office and the special legislation under article 13 is approved by the state legislature.

Background: A citizen request has been made to have a portion of Loveland Road paved through the process created by the by-law in article 12. Before action can be taken on this article, the by-law and special legislation in articles 12 and 13 respectively would need to be approved. One of the property owners along this portion of roadway is vocally opposed to the roadway being paved. This project has been reviewed and approved by the Conservation Commission.

Finance Committee makes no recommendation on this article.

ARTICLE 15. APPROPRIATE FUNDS FOR THE PAVEMENT OF LOVELAND ROAD

To see if the Town will vote to appropriate, and authorize the Treasurer with the approval of the Selectmen per M.G.L. Chapter 44, Section 7, and/or any other enabling authority, to borrow the sum of up to \$33,000 for the purpose of paving Loveland Road, a private road, said borrowing to be covered through the assessment of betterments to the abutting property owners; or take any action thereon.

Recommended Motion: I move that the Town vote to approve the Article as read.

Background: This article would provide for the ability to borrow funds to complete the project of Article 14 above if approved. Any abutters to Loveland Road that did not pay for the paving costs up front would be assigned a betterment to pay back the costs over a five year period. The borrowing would only be for those that will be assigned a betterment and will likely be far less than the project quoted price of \$33,000.

Finance Committee makes no recommendation on this article.

ARTICLE 16. VOTE/REMOVE WEBSTER POLICE DEPARTMENT FROM CIVIL SERVICE

To see if the Town will vote to revoke acceptance of the Civil Service Law, C.L. c. 31, taken at the July 6, 1937 Special Town Meeting, thereby removing all positions of the Webster Police Department from the provisions of the Civil Service Law, or take any action related thereto.

Recommended Motion: I move that the Town vote to approve the Article as read.

Background: The Town of Webster came into Civil Service in 1937. As I am sure you all know, times were a lot different back then, and Civil Service was necessary to ensure that there was a fair way for individuals to obtain, and keep, certain jobs. This was done to eliminate the political influence that was common back at that time. It also created, back then, a standard way to hire, promote, and discipline employees.

Fortunately, times have changed (for the better), and laws, regulations, along with Unions and Collective Bargaining Agreements, have evolved and, in a sense, taken the place of the protections Civil Service provides. With that being said, the time has come for the Webster Police Department to come out of Civil Service.

The current hiring process revolves around a general knowledge, multiple choice exam given every two years. The only requirement to take the test and be hired is a high school diploma, and a driver's license. Once the test is given, results are not available for approximately six months. Once the list of potential candidates is compiled, the town must hire from the top three candidates, even if a more qualified candidate sits at a lower position on the list. If the top candidate is not chosen, the town must justify the bypassing of said candidate. If the candidate that is bypassed desires, they may appeal to the Civil Service Commission which can take years to render a decision.

The promotional exam, which is currently an assessment style process, is governed by the same rules, and if the top candidate is not selected, they may also appeal to the Civil Service Commission, and a decision could take years to render in that instance as well.

In an effort to both hire and promote qualified individuals, in this last negotiating session between the Police Union and the Police Administration and Town Officials, a new process for both hiring and promotion was agreed upon.

Hiring new personnel will still consist of an exam, however it will be on a pass/fail basis. Candidates that pass will then move on to physical fitness assessment, background investigation, and oral interview in front of a panel from all ranks with the Webster Police Department. The most qualified people will be presented to the Town Administrator for recommendation for appointment.

The promotional process will still consist of an assessment center, however candidates will be able to obtain additional points for education, years of service, and veteran's status. Also considered can be specialized duties, serving as an Officer in Charge, and other performance factors.

It should also be noted that, under Civil Service status, we can only take lateral transfer officers from other Civil Service Departments, which limits our options to one of 142 Civil Service Departments. When we leave Civil Service, we will be able to consider any full time Police officer, even those from out of state.

The rights employees currently have under Civil Service are written out in the Collective Bargaining Agreement. All employees currently under Civil Service status, will maintain that status until they either promote, or end their employment.

Through the adoption of this hiring and promotional process, the Webster Police Department will be able to both hire and promote the best candidates for the positions being sought. This will allow the Webster Police Department to remain one of the leading Police Departments in the Commonwealth for years to come.

The following police departments are no longer under civil service: Acton, Adams, Burlington, Easthampton, Franklin , Grafton, Lee, Lexington, Manchester-by-the-Sea, Marlborough, Maynard, Milford, Millis, North Adams, North Attleboro, North Reading, Norwood, Orange, Provincetown, Reading, Sharon, Sudbury, Uxbridge, Walpole, Wayland, Wellesley, Westwood, Williamstown

Finance Committee recommends approving this article.

ARTICLE 17. GENERAL FUND PRIOR YEAR BILLS

To see if the Town will vote to transfer from any available funds in the Treasury, a sum sufficient to the Town Administrator Unpaid Bills account for the purpose of funding the payment of prior years' unpaid invoices; or take any action thereon.

Recommended Motion: I move that the Town vote to transfer from Public Building Expenses, Electricity, Police (0119252-521001-210) \$23.34 to the Town Administrator Unpaid Bills (0112352-579000) account for the purpose of funding the payment of prior years' unpaid invoices

Background: There is a prior year National Grid bill that needs to be paid.

Finance Committee recommends approving this article.

ARTICLE 18. APPROPRIATE FROM THE TOWN HALL STABILIZATION FUND

To see if the Town will vote to transfer \$58,000 from the Town Hall Stabilization Fund (8002) to the Town Hall Improvement Account (5050); or take any action thereon.

Recommended Motion: I move that the Town vote to approve the Article as read.

Background: The Town receives approximately \$55,000 each year for lease payments from the solar field on the old landfill on Cudworth Road. These are dedicated for use on Town Hall. This year's amount will be used to match the \$30,000 grant received from the Massachusetts Historical Commission which is being used to design improvements to Town Hall including the roof and auditorium. The remaining funds will continue to be used to remodel the basement and other minor improvements.

Finance Committee recommends approving this article.

ARTICLE 19. ADOPT MGL CH. 90 SECTION 17C

To see if the Town will vote to accept the provisions of MGL Ch. 90 Section 17C in the interests of public safety and without further authority, to allow the Board of Selectmen, in the interests of public safety and without further authority, to establish a speed limit of 25 mph on any roadway inside a thickly settled or business district in the Town of Webster on any way that is not a state highway; or take any action thereon.

Recommended Motion: I move that the Town vote to approve the Article as read.

Background: This article will allow the Board of Selectmen to set the speed limit in thickly settled or business districts at 25 MPH rather than the current 30 MPH. The Board of Selectmen have discussed reducing the speed limit in the historic downtown area to 25 MPH.

Finance Committee recommends approving this article.